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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,744	02/21/2006	Akira Ishizaki	1018912000172	4966
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EXAMINER				
BENVENUTIIL, MATTHEW GEORGE				
ART UNIT		PAPER NUMBER		
4159				
NOTIFICATION DATE		DELIVERY MODE		
09/26/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

# Office Action Summary

**Application No.**

10/568,744

**Applicant(s)**

ISHIZAKI ET AL.

**Examiner**

Matt Benvenuti

**Art Unit**

4159

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 7-18 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 7-18 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 21 February 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-850)  
Paper No(s)/Mail Date IDS (2/21/2006)  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Inventor's Patent Application  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Reference 2 in Figure 13c.
2. The drawings are objected to because in Figures 4a and 4b, Reference 14 needs to point to the upper portion, which is shown folded over.
3. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

4. The abstract of the disclosure is objected to because the abstract contains reference numbers that are not in parentheses. Correction is required. See MPEP § 608.01(b).
5. The disclosure is objected to because of the following informalities:

- Page 6, Line 12: "... a protrusion..." should include reference 8
- Page 11, Line 8: Should be "... the chambers 42a, 42d, 42c..."

Appropriate correction is required.

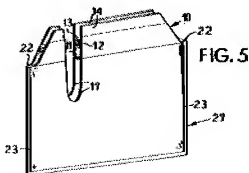
***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 7-8 are rejected under 35 U.S.C. 102(b) as being taught by US 5,063,639 (Boeckmann et al).



8. In re Claim 7, Boeckmann et al (Figure 5, Shown above) teaches a plastic bag with:

- A zipper (10) on a inner surface of an upper opening portion (Figure 5) of a bag body (27) made of a plastic film (Column 2, Lines 48-52)

- the zipper (10) having a groove (13) and a protrusion (12) engaging with and disengaging from each other wherein (Column 2, Lines 32-39)
  - at least both sides of the bag body are fused or melted (23); and
  - the both sides of the bag body in the upper opening portion, where the side of the zipper are located, are not fused (Figure 5)
9. In re Claim 8, Boeckmann et al teaches a plastic bag with:
- A zipper (10) on an inner surface of an upper opening portion (Figure 5) of a bag body (27) made of a plastic film (Column 2, Lines 48-52)
  - the zipper (10) having a groove (13) and a protrusion (12) engaging with and disengaging from each other wherein (Column 2, Lines 32-39)
  - at least both sides of the bag body are fused or melted (23); and
  - cut-offs (21) are made at the both sides of the bag body(Once attached to the bag the web (11) becomes part of the bag body) in the upper opening portion where the zipper is provided

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

12. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

13. Claims 9-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boeckmann et al in view of US 6,575,627 (Huseman et al).

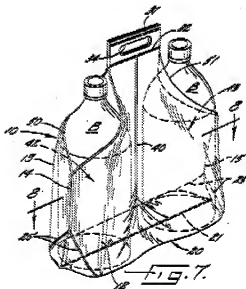
14. In re Claim 9 and 10, Boeckmann et al teaches the claimed invention except for a plastic bag wherein at least one heat fusible plastic sheet is placed between a front film and a back film composing the bag body, so that a plural number of chambers are formed. Huseman et al discloses that it is known in the art to provide a middle panel or wall of plastic film to a plastic film bag (Column 5, Lines 32-46). It would have been

obvious to one having ordinary skill in the art at the time the invention was made to provide the bag of Boeckmann et al with the middle panel of plastic film of Huseman et al, in order to create a bag with multiple compartments as taught by Huseman et al.

15. In re Claim 11 and 12, Boeckmann et al/Huseman et al teaches the claimed invention except for a plastic bag wherein the heat fusible plastic sheet is a non woven fabric or a foam plastic sheet. It would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the bag out of a non woven material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416. Please note that in the instant application, page 8, lines 11-13, applicant has not disclosed any criticality for the claimed limitations.

16. In re Claim 13-16, Boeckmann et al/Huseman et al further teaches a plastic bag wherein when the upper opening portion of the bag body (27) is opened, an end portion of the heat fusible plastic near the upper opening portion is located above the zipper (10). If the bag from Figure 5 of Boeckmann et al is open and the web (11) where the zipper (10) is attached is allowed to hang down then an end portion of the heat fusible plastic comprising the bag body will be located above the zipper. Further, if the middle panel of Boeckmann et al in view of Huseman et al is sized such that it is taller than the side seals but shorter than the zipper then when the zipper is opened, and allowed to hang at the side of the bag body, the end portion of the middle panel will be located above the zipper.

17. Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boeckmann et al in view of US 4,872,766 (Dancy).



18. In re Claim 17 and 18, Boeckmann et al teaches the claimed invention except for a plastic bag wherein a front film and a back film composing the bag body are fused together along a vertical line, so that a plural number of chambers are formed. Dancy (Figure 7, Shown above) discloses that it is known in the art to provide a seal (40) between the front (12) and rear (13) wall of a bag to create multiple compartments (Column 3-4, Lines 64-3). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the bag of Boeckmann et al with a seal between the front and rear wall as taught by Dancy, in order to create a bag with multiple compartments.

**Conclusion**

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 3,292,813 (Roegner) teaches a bag with two disconnected flaps located at the top of the bag. US 3,942,713 (Olson et al) teaches a thermoplastic bag wherein the seam joining the front wall and back wall is does not extend the entire side of the bag. US 4,127,155 (Hydom) teaches a bag with a front and rear panel and a middle panel secured to the bag that forms two compartments within the bag. D257,912 (Kuen-Yi) teaches a bag with a zipper attached to an upper portion where the sides are not connected together. US 4,696,403 (Hoover) teaches a bag where the front and back panels are connected along a vertical seam to create multiple compartments within the bag. US 4,765,381 (Castle) teaches bag with a fastening member connected to the interior surface of an opening portion, wherein both sides of the bag body are not connected. US 5,779,366 (McKenzie, III et al) teaches a wire management bag.
20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matt Benvenuti whose telephone number is (571)270-5704. The examiner can normally be reached on Monday - Friday: 8am-5pm.
21. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Nguyen can be reached on 571-272-4491. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
22. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

Art Unit: 4159

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MB

/George Nguyen/

Supervisory Patent Examiner, Art Unit 4159